

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF ALASKA AT JUNEAU

3 MYRNA I. JOHNSON, )  
4 Plaintiff, )  
5 vs. )  
6 FRED MEYER STORES, INC., and )  
7 JAIME SAN MIGUEL, )  
8 Defendants. ) J-04-008 CV (RRB)

9 **REPLY TO OPPOSITION TO MOTION TO STRIKE**

10 This Court's orders and findings regarding the law are final. Defendants have not  
11 requested reconsideration of those orders or relief pursuant to FRCP 60(b). Under these  
12 circumstances, Defendants' attempt to reargue those legal decisions by the sleight of hand of  
13 submitting instructions which do follow the law of the case, is offensive to justice and due  
14 process. For these reasons, the Defendants' Motion re: Jury Instructions should be struck and  
15 costs awarded.

16 Counsel for plaintiff will prepare special jury instructions and file them with the Court  
17 by Friday, May 2, 2008.

18 DATED Wednesday, April 23, 2008, at Juneau, Alaska.

19 Respectfully submitted,  
20 CHOATE LAW FIRM LLC

21 *s/Mark Choate*

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27 1 of 2

28 *Johnson, Myrna v. Fred Meyer (J-04-008 CV RRB) [23003].*  
REPLY TO OPPOSITION TO MOTION TO STRIKE  
J-04-008 CV (RRB)

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**PROOF OF SERVICE**

STATE OF ALASKA, FIRST JUDICIAL DISTRICT AT JUNEAU

I am employed in the City and Borough of Juneau, State of Alaska. I am over the age of 18 and not a party to the within action. My business address is 424 N. Franklin Street, Juneau, AK 99801.

On April 23, 2008, I served the foregoing document described as **REPLY TO OPPOSITION TO MOTION TO STRIKE**, on the interested parties in this action by serving the original true copies, addressed as follows:

James Dickens  
Miller Nash LLP  
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☒ By electronic service through the court of record's electronic service system,

☐ (State) I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on April 23, 2008 at Juneau, Alaska.

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CHOATE LAW FIRM, LLC